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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 FEB 28 AM 11:20

UNITED STATES OF AMERICA,

Plaintiff,

v.

Federico QUINTANA-Acosta

Defendant

) Magistrate Docket No.

) '08 MJ 05 97

) COMPLAINT FOR VIOLATION OF: ~~KMY~~ DEPUTY

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **February 27, 2008** within the Southern District of California, defendant, **Federico QUINTANA-Acosta**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **FEBRUARY 2008.**



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Federico QUINTANA-Acosta

PROBABLE CAUSE STATEMENT

On February 27, 2008, Field Operations Supervisor A. Cortez was performing line watch duties in the Imperial Beach area of operations. At approximately 8:25 A.M., Agent Cortez observed seven individuals walking north through an area known as the "6 Field". This area is approximately one mile north of the United States/Mexico International Boundary Fence and one and one half miles west of the San Ysidro, California Port of Entry. As he approached the group, Agent Cortez noticed an individual, later identified as the defendant **Federico QUINTANA-Acosta**, guiding the group and then signaling for the group to crouch down into some brush.

Agent Cortez approached the individuals and identified himself as a United States Border Patrol Agent. He then questioned the individuals, including the defendant as to their citizenship and nationality. All seven freely admitted that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. Agent Cortez arrested the defendant and the other six individuals and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 22, 2008 through San Diego, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.